

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PUBLIC FINANCING AUTHORITY

MAY 21, 2008

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.***

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:07 p.m.

ROLL CALL

Councilmembers present:	Winter, McLean, Bragg
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	McCoy

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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CLOSED SESSION

MOTION BY MCCOY, SECOND BY MCLEAN, TO ADJOURN TO CLOSED SESSION UNDER:

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Pursuant to Government Code Section 54956.9(a)

Name of Case:

Jose Moreno; Gerardus Reed; Paulina Osorio; and Michelle Perez, a minor by her Guardian ad Litem, Maria V. Osorio v. City of Imperial Beach;
Case No. GIS 16682

PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: City Manager

MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY adjourned the meeting to Closed Session at 5:08 p.m. and he reconvened the meeting to Open Session at 6:00 p.m. Reporting out of Closed Session, MAYOR JANNEY announced Council met earlier in Closed Session, received information from staff, gave direction, and had nothing to report.

CITY ATTORNEY LOUGH reported Case No. GIS 16682 was dismissed by the Court of Appeal.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Winter, McLean, Bragg
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem present:	McCoy

Staff present:	City Manager Brown; City Attorney Lough; City Clerk Hald
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PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

None.

MAYOR/COUNCIL ANNOUNCEMENTS/REIMBURSEMENTS

MAYOR JANNEY commended Councilmember Winter for her dedicated efforts on the secondary treatment sewage issue.

COUNCILMEMBER WINTER reported that she attended the League of California Cities Legislative Committee and League Board lunch on behalf of the City.

COUNCILMEMBER MCLEAN attended the International Migratory Bird Day event at the Estuary; a MTS meeting where Matthew Bettenhausen, the Governor's Homeland Security Advisor, awarded a grant that will be used for transit security; he thanked Public Works Director Levien, Public Works staff, Boy Scouts and their families for their assistance with the Eagle Scout project on South Seacoast Drive; he recognized Public Works Director Levien for his years of dedicated service to the City of Imperial Beach; Dr. Therese Muranaka gave a presentation on the human side of the Border Field State Park; I.B. Chamber of Commerce will have an installation of officers on June 27; he announced there will be a pancake breakfast on the Saturday of Sandcastle weekend; the Business 2 Business is working on a new brochure; he announced the I.B. Chamber Breakfast will be held tomorrow; he spoke about an article written by Dr. Michael McCoy regarding the establishment of the estuary; he spoke of the recent passing of former Councilmember Jay Robbins; he attended a press conference regarding the health of the ocean; and he thanked Elizabeth Cumming for her efforts on the banners that can be seen throughout City Hall.

COUNCILMEMBER BRAGG announced she presented a proclamation to Victor and Sarah Beltran of the Boxing Zone who organized a successful kickboxing competition at the Boys and Girls Club; and she announced the 39th Annual Memorial Day Service event will be held at Veterans Park on May 26.

COUNCILMEMBER WINTER announced she and City Manager Brown visited Jay Robbin's family and announced the Ocean Protection Council awarded \$957,000 towards the completion of the Fate and Transport Study.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATION/REPORT (1.1 - 1.2)

1.1 RECYCLE ALL-STAR AWARD PRESENTATION. (0270-30)

MAYOR JANNEY presented the Recycle All-Star Award Certificate (provided this month by the California Legislature Assembly, 79th Assembly District) to Eugene Kocherga.

STEVE SOUTH, of EDCO, presented the \$100.00 check and used oil-recycling premiums to Mr. Kocherga.

1.2 SIGNATURE ART PRESENTATION BY GAIDI FINNIE, IMPERIAL BEACH REPRESENTATIVE TO THE PORT OF SAN DIEGO'S PUBLIC ART COMMITTEE. (0150-70)

GAIDI FINNIE, Chair of the Port Signature Art Committee, gave a presentation on artistically lighting the Coronado Bridge.

MAYOR PRO TEM MCCOY thanked Mr. Finnie for his years of service on the Port Art Committee.

CONSENT CALENDAR (2.1 - 2.3)

MOTION BY MCCOY, SECOND BY MCLEAN, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 - 2.3. MOTION CARRIED UNANIMOUSLY.

2.1 MINUTES.

Approved the minutes of the Regular City Council Meetings of April 23, 2008 and May 7, 2008.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 66330 through 66398 with the subtotal amount of \$150,350.80; and Payroll Checks 39582 through 39629 for the pay period ending 04/24/08 with the subtotal amount of \$140,199.72; for a total amount of \$290,550.52.

2.3 FRANK GIORDANO, SAN REMOS VILLAS, LLC [OWNER/APPLICANT]: TIME EXTENSION FOR ADMINISTRATIVE COASTAL PERMIT (ACP 04-175), AND TENTATIVE MAP (TM 04-174) FOR THE CONVERSION OF AN EXISTING SIX UNIT TWO-STORY RESIDENTIAL APARTMENT BUILDING AND A SINGLE-STORY COTTAGE INTO SEVEN COMMON INTEREST CONDOMINIUM OWNERSHIP UNITS LOCATED AT 773-777 CALLA AVENUE, IN THE R-1500/MU-1 (HIGH DENSITY RESIDENTIAL/MIXED-USE OVERLAY) ZONE. MF 759. (0600-20)

Adopted Resolution No. 2008-6632.

ORDINANCES – INTRODUCTION/FIRST READING (3.1)

3.1 ORDINANCE NO. 2008-1070 – ADOPTION OF THE SEWER SERVICE CHARGE FOR FISCAL YEAR 2009. (0830-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing and called for the reading of the title of Ordinance No. 2008-1070.

CITY CLERK HALD read the title of Ordinance No. 2008-1070, an Ordinance of the City Council of the City of Imperial Beach, California, adopting the revised sewer service rates for sanitary sewer service and amending Section 13.06.140.B of Chapter 13.06 of the Imperial Beach Municipal Code pertaining to Sewer Service Charges – Designated.

MOTION BY MCLEAN, SECOND BY BRAGG, TO DISPENSE THE FIRST READING AND SET THE MATTER FOR ADOPTION AT THE NEXT ADJOURNED REGULAR CITY COUNCIL MEETING. MOTION CARRIED UNANIMOUSLY.

ORDINANCES – SECOND READING & ADOPTION (4.1)

None.

PUBLIC HEARINGS (5.1 - 5.2)

5.1 CONSIDER ADOPTION OF THE INTEGRATED SOLID WASTE MANAGEMENT SERVICES MAXIMUM FEE INCREASE REQUESTED BY EDCO DISPOSAL CORPORATION AND ADOPTION OF THE STORM WATER (POLLUTION) MANAGEMENT FEE. (0270-40 & 0770-85)

MAYOR JANNEY announced, due to his business interests, he had a potential conflict of interest on this item and he left Council Chambers at 6:32 p.m.

MAYOR PRO TEM MCCOY declared the public hearing open.

CITY CLERK HALD announced no speaker slips were submitted.

**MOTION BY MCLEAN, SECOND BY WINTER, TO CLOSE THE PUBLIC HEARING.
MOTION CARRIED BY THE FOLLOWING VOTE:**

AYES:	COUNCILMEMBERS:	WINTER, MCLEAN, BRAGG, MCCOY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	JANNEY (DUE TO POTENTIAL CONFLICTS OF INTEREST)

MOTION BY WINTER, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2008-6630 WITH ASSOCIATED EXHIBIT A. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	WINTER, MCLEAN, BRAGG, MCCOY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	JANNEY (DUE TO POTENTIAL CONFLICTS OF INTEREST)

MAYOR JANNEY returned to the Council Chambers at 6:36 p.m.

5.2 LEVY OF ANNUAL ASSESSMENTS FOR ASSESSMENT DISTRICT NO. 67M. (0345-10)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN reported on the item.

CITY CLERK HALD announced no speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY MCLEAN, SECOND BY WINTER, TO ADOPT RESOLUTION NO. 2008-6631 CONFIRMING THE DIAGRAM AND ASSESSMENT AND PROVIDING FOR THE LEVY OF THE ANNUAL ASSESSMENT IN A SPECIAL MAINTENANCE DISTRICT (AD 67M). MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1 - 6.5)

6.1 762 9TH STREET – ABATEMENT COSTS REPORT. (0470-20)

CITY MANAGER BROWN introduced the item.

CODE COMPLIANCE OFFICER GARCIAS gave a PowerPoint presentation on the item.

MARIA ZAMORA (translation by Frances Courtney) complained about personal items that were taken away and spoke about the difficulty in cleaning up the property due to medical issues.

MAYOR JANNEY spoke about the violations that have been ongoing for several years.

CODE COMPLIANCE OFFICER GARCIAS stated that the case has gone before City Council in 2001 and 2004.

City Council discussion ensued regarding the persistent problems at the property; it was noted that compliance is the goal and the fact that the case has been before City Council numerous times is a concern; it was also noted that the case is a result of several complaints; concern was raised regarding the propensity for the problems to happen again and again, collection at the Goodwill, and maintaining compliance; discussion ensued regarding the possibility of posting signs that say no collection in the alley so the public is aware; Ms. Courtney was encouraged to assist Ms. Zamora in maintaining compliance.

CITY ATTORNEY LOUGH reported that due to a business interest of the Mayor, he recommended a revision to Resolution No. 2008-6636 by segmenting out the EDCO charges in the amount of \$295.12; he also noted that the abatement of the premises was done by court order and the time period for the process was set by the judge.

MOTION BY MCLEAN, SECOND BY WINTER, TO ADOPT REVISED RESOLUTION NO. 2008-6636 FINDING AND CONFIRMING ABATEMENT COSTS FOR THE ABATEMENT OF PUBLIC NUISANCE CONDITION(S), REGARDING THE PROPERTY AT 762 9TH STREET IS APPROPRIATE AND ASSESSING COSTS OF ABATEMENT IN THE AMOUNT OF \$14,017.85 (SEGMENTING OUT THE EDCO CHARGES IN THE AMOUNT OF \$295.12). MOTION CARRIED UNANIMOUSLY.

MAYOR JANNEY left Council Chambers at 7:03 p.m. due to a potential conflict of interest.

MOTION BY MCLEAN, SECOND BY BRAGG, TO ADOPT AMENDED REVISED RESOLUTION NO. 2008-6636 FINDING AND CONFIRMING ABATEMENT COSTS FOR THE ABATEMENT OF PUBLIC NUISANCE CONDITION(S), REGARDING THE PROPERTY AT 762 9TH STREET IS APPROPRIATE AND ASSESSING COSTS OF ABATEMENT (ADDING BACK THE EDCO CHARGES IN THE AMOUNT OF \$295.12) IN THE AMOUNT OF \$14,312.97. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	WINTER, MCLEAN, BRAGG, MCCOY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	JANNEY (DUE TO POTENTIAL CONFLICTS OF INTEREST)

MAYOR JANNEY returned to Council Chambers at 7:04 p.m.

6.2 RESOLUTION NO. R-08-148 – APPROVING THE RELOCATION PLAN FOR THE 624 12TH STREET ACQUISITION AND REHABILITATION PROJECT (BEACHWIND COURT) FOR AFFORDABLE HOUSING. (0660-15)

MAYOR PRO TEM MCCOY announced that she had a potential business conflict of interest on the item and she left Council Chambers at 7:08 p.m.

CITY MANAGER BROWN introduced the item.

REDEVELOPMENT COORDINATOR SELBY gave a report on the item.

VINCE MCCAOW of Overland, Pacific & Cutler, spoke about the relocation assistance process.

MOTION BY BRAGG, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. R-08-148, APPROVING THE RELOCATION PLAN FOR THE 624 12TH STREET ACQUISITION AND REHABILITATION PROJECT (BEACHWIND COURT) FOR AFFORDABLE HOUSING. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS:	WINTER, MCLEAN, BRAGG, JANNEY
NOES:	COUNCILMEMBERS:	NONE
ABSENT:	COUNCILMEMBERS:	NONE
DISQUALIFIED:	COUNCILMEMBERS:	MCCOY (DUE TO POTENTIAL CONFLICTS OF INTEREST)

MAYOR PRO TEM MCCOY returned to Council Chambers at 7:13 p.m.

6.3 RESOLUTION NO. 2008-6633 – APPROVING AN AGREEMENT AMONG THE CITY OF IMPERIAL BEACH, THE COUNTY OF SAN DIEGO, AND THE SAN DIEGO COUNTY SHERIFF FOR GENERAL AND SPECIALIZED LAW ENFORCEMENT AND TRAFFIC SERVICES. (0260-10)

CITY MANAGER BROWN introduced the item.

PUBLIC SAFETY DIRECTOR SOTELO gave a report on the item.

KEITH SPEARS, representing the Sheriff's Dept., responded to concerns of Council regarding labor costs, cost caps, the cost model, and the possibility of forming a CLETAC committee that would focus on costs; he stated that he could not speak for the County regarding labor negotiations.

ALBERT KNECHT spoke in support of additional Sheriff services.

MOTION BY MCLEAN, SECOND BY MCCOY, TO ADOPT RESOLUTION NO. 2008-6633, APPROVING AN AGREEMENT AMONG THE CITY OF IMPERIAL BEACH, THE COUNTY OF SAN DIEGO, AND THE SAN DIEGO COUNTY SHERIFF FOR GENERAL AND SPECIALIZED LAW ENFORCEMENT AND TRAFFIC SERVICES. MOTION CARRIED UNANIMOUSLY.

6.4 RESOLUTION NO. 2008-6634 – AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – DEMPSEY HOLDER SAFETY CENTER WOODWORK RESTORATION AND AUTHORIZE THE TRANSFER OF FACILITIES MAINTENANCE FUND 504 ACCOUNT MONIES TO DEMPSEY HOLDER FACILITY IMPROVEMENT (F05-401) PROJECT. (0910-20)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item.

MOTION BY MCCOY, SECOND BY MCLEAN, TO ADOPT RESOLUTION NO. 2008-6634, AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – DEMPSEY HOLDER SAFETY CENTER WOODWORK RESTORATION AND AUTHORIZE THE TRANSFER OF FACILITIES MAINTENANCE FUND 504 ACCOUNT MONIES TO DEMPSEY HOLDER FACILITY IMPROVEMENT (F05-401) PROJECT. MOTION CARRIED UNANIMOUSLY.

6.5 RESOLUTION NO. 2008-6635 – AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – FIRE STATION OVERHEAD ROLL UP DOOR REPLACEMENT AND AUTHORIZING THE TRANSFER OF FACILITIES MAINTENANCE FUND 504 ACCOUNT MONIES TO FIRE DEPARTMENT STATION REMODEL (F05-204) PROJECT. (0910-40)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a report on the item and noted frequent maintenance of the door has been necessary.

MOTION BY MCCOY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2008-6635, AWARDING A CONTRACT FOR CERTAIN PUBLIC WORKS PROJECT – FIRE STATION OVERHEAD ROLL UP DOOR REPLACEMENT AND AUTHORIZING THE TRANSFER OF FACILITIES MAINTENANCE FUND 504 ACCOUNT MONIES TO FIRE DEPARTMENT STATION REMODEL (F05-204) PROJECT. MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR

None.

REPORTS OF MAYOR AND COUNCILMEMBERS

COUNCILMEMBER WINTER reported that she attended a SAFE Board meeting but it was cancelled due to a lack of quorum; and she reported attendance at several Metro Wastewater subcommittee meetings.

COUNCILMEMBER MCLEAN reported that the Business Improvement District approved \$2,000 for a farmers market.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 7:43 p.m. to the regular meeting of Wednesday, May 28, 2008 at 6:00 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk